

EXPLANATORY MEMORANDUM TO

THE COUNTRY OF ORIGIN OF CERTAIN MEATS REGULATIONS (NORTHERN IRELAND) 2015

2015 No. 321

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 15(1), 16(1), 25, 26(3), 32(1) and 47(2) of the Food Safety (Northern Ireland) Order 1991.

2. Purpose of the Rule

- 2.1 The main purpose of the Country of Origin of Certain Meats Regulations (Northern Ireland) 2015 is to provide enforcement powers to underpin the directly applicable European Commission Regulation (EU 1337/2013) regarding the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry.

3. Matters of special interest to the Health Committee

- 3.1 None.

4. Legislative Context

- 4.1 The EU Food Information to Consumers Regulation (FIC) (Regulation EU 1169/2011) is the new overarching EU Regulation on this subject.
- 4.2 The FIC required that the Commission, following impact assessments, adopted an implementing act concerning the application of Article 26(2b). That Article stated that the indication of the country of origin or place of provenance shall be mandatory for fresh, chilled or frozen meat of pigs, poultry, sheep and goats.
- 4.3 The Commission Implementing Act (1337/2013) was passed in December 2013 and applied from 1 April 2015.
- 4.4 The Statutory Rule (SR) applies and extends certain provisions of the Food Safety (Northern Ireland) Order 1991 with modifications of Article 9(1), enabling an improvement notice to be served requiring compliance with specified requirements of the EU Regulation. The provisions, as applied, make the failure to comply with an improvement notice an offence.

5. Parity or Replicatory Measure

- 5.1 This Rule applies to Northern Ireland only. Parallel legislation is being made in England, Scotland and Wales.

6. European Convention on Human Rights

6.1 As this Rule is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The SR follows the provisions and penalties set out in other recent food labelling Statutory Rules such as the Products Containing Meat etc. Regulations (Northern Ireland) 2014 (SR 2014 No. 285), so there is consistency in the enforcement of food labelling rules. The broader policy aim is to meet the UK's obligations by including a proportionate, effective and risk based approach to the enforcement of the directly applicable Commission Implementing Regulation. The SR will use proportionate improvement notices (with a backstop criminal offence for failure to comply) for non-compliance. Businesses will have the opportunity to appeal against an improvement notice to the court of summary jurisdiction.

8. Consultation outcome

8.1 A 12 week consultation was conducted in Northern Ireland from 27 March to 19 June 2015. A wide range of enforcement authorities and businesses were consulted and the consultation was available on the Food Standards Agency in NI website. Five responses were received to the consultation in NI. Respondents were broadly supportive of the proposals to provide consumers with clear and useful information on the origin of meat. An information meeting was also held with key NI stakeholders to provide extra clarification on the mandatory requirements of Commission Regulation No. 1337/2013 and to provide an opportunity for feedback.

9. Equality Impact

9.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the Section 75 groups.

10. Guidance

10.1 Guidance notes to reflect the new Regulations will be prepared and shared with interested parties.

11. Regulating small business

11.1 This Regulation will apply to all businesses supplying regulated products containing meat.

12. Monitoring & review

Monitoring

12.1 The FSA will work with Enforcement Authorities where problems or suspected infringements of the legislation arise. The effectiveness of the rule will be also be monitored via general feedback from industry and Enforcement Authorities.

13. Contact

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